

***Via Overnight Courier  
Next Business Day Delivery***

**NOTICE OF [SUSPENSION OR TERMINATION]**

TO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**SPECIFY:** whether you are issuing a suspension, non-renewal of appointment, or a termination. Any deviation from normal case rotation, e.g., a skipping of a rotation, constitutes a suspension. If you are issuing a suspension, describe the condition or the duration (i.e., for six months).

**DESCRIBE:** in detail, the specific reason or reasons for the decision. Explain – fully – the basis or bases for each reason you rely upon. Whenever possible, you should support specific statements or findings in the notice with detailed citations to relevant documents. Describe any history of relevant past problems, instances of inadequate performance, or other factors that you considered or that weighed in your decision.

**CITE:** all relevant materials that document those problems or factors and that document prior communications in which you have advised the trustee of those problems or factors. If you considered and rejected less drastic measures, or if you have been using progressive measures, it is appropriate to explain why you decided not to use lesser measures or to describe the progressive steps you have taken in the past and why they have not resolved the matter.

**Insert the Following Language in Every Notice:**

1. "This decision is final and unreviewable unless you request in writing a review by the Director, Executive Office for United States Trustees, no later than 20 calendar days from the date of this notice. 28 C.F.R. 58.6(b). To be timely, the request for review must be received by the office of the Director no later than 20 calendar days from the date of this notice. 28 C.F.R. 58.6(b). Your request for review shall fully describe why you disagree with the United States Trustee's decision, and shall be accompanied by all documents and materials that you want the Director to consider in reviewing the decision. 28 C.F.R. 58.6(f). You may request that specific documents in the possession of the

United States Trustee be transmitted to the Director for inclusion in the record. 28 C.F.R. 58.6(f). The request for review should be sent to:

Director,  
Executive Office for U.S. Trustees  
Department of Justice  
901 E Street, N.W.  
Suite 700  
Washington, D.C. 20530

You must send a copy of your request for review, and any accompanying documents and materials, to the United States Trustee by overnight courier, for delivery the next business day. 28 C.F.R. 58.6(f)."

2.       (a) **Unless you are issuing an interim directive insert:**  
"The United States Trustee's decision shall take effect twenty (20) days from the date of this notice unless within that time you seek review from the Director; if you timely seek such review from the Director, the United States Trustee's decision will take effect upon the issuance of a final written decision by the Director." 28 C.F.R. 58.6(c).
- (b) **If you are issuing an interim directive** (see 28 C.F.R. 58.6(d) and (e)) your notice must inform the trustee that you have issued the directive. The interim directive shall be set forth in a separate document, and a copy of the directive shall be attached to the notice.

DATE: \_\_\_\_\_

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United States Trustee

Additional Instructions for Notice:

1.    **SEND:** the notice to the office of the trustee by overnight courier, for delivery the next business day, with copy to the Executive Office for United States Trustees, attention: DIRECTOR.
2.    **ATTACH:** to the notice copies of all pertinent materials upon which the United States Trustee has relied and any prior communications in which the United States Trustee has advised the trustee of the potential action. 28 C.F.R. 58.6.
3.    **ATTACH:** to the notice copy of 28 C.F.R. 58.6.